

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**KYRA MOORE, on behalf of herself and
others similarly situated,
Plaintiff,**

v.

**RITE AID HDQTRS CORP., doing business
as "RITE AID CORPORATION,"
Defendant.**

CIVIL ACTION

NO. 13-1515

ORDER

AND NOW, this 30th day of July, 2014, upon consideration of Defendant Rite Aid Hdqtrs Corp.'s Motion to Dismiss Plaintiff's Complaint (Document No. 13, filed May 31, 2013), Plaintiff's Response in Opposition to Defendant Rite Aid's Motion to Dismiss (Corrected Version) (Document No. 20, filed June 24, 2013), Defendant Rite Aid Hdqtrs Corp.'s Reply Memorandum of Law in Further Support of its Motion to Dismiss (Document No. 22, filed July 2, 2013), and Plaintiff's Supplemental Memorandum in Opposition to Defendant's Motion to Dismiss (Document No. 28, filed November 19, 2013), **IT IS ORDERED**, for the reasons stated in the accompanying Memorandum dated July 30, 2014, as follows:

1. That part of defendant's Motion to Dismiss seeking to dismiss that part of Count I of the Class Action Complaint premised on defendant's alleged failure to provide pre-adverse action notice is **GRANTED** and that claim is **DISMISSED WITHOUT PREJUDICE**;

2. That part of defendant's Motion to Dismiss seeking to dismiss that part of Count I that seeks statutory and punitive damages pursuant to 15 U.S.C. § 1681n is **GRANTED** and that claim is **DISMISSED WITHOUT PREJUDICE**; and,

3. That part of defendant's Motion to Dismiss seeking to dismiss that part of Count I of the Class Action Complaint premised on defendant's alleged failure to provide a copy of the

VAS with the LexisNexis background report is **GRANTED** and that claim is **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that plaintiff is granted leave to file an amended complaint in accordance with this Court's Memorandum dated July 30, 2014, and paragraphs One and Two above, if warranted by the facts, within fifteen (15) days.

BY THE COURT:

/s/ Hon. Jan E. DuBois
DuBOIS, JAN E., J.